

ADVOCATES' ASSOCIATION (Regd.) SWANIDHI
KALYAN YOJNA RULES 2022:-

A Rule for better administration, control, management and utilization of fund generated by voluntary contribution or donation by the members of the fund and for the matters connected therewith or incidental thereto:-

Rule 1 → Short Title and commencement.

1. This Rule may be called the Jharkhand Advocates' Association Swanidhi Kalyan Yojna Rules 2022.
2. It shall come into force with effect from 01.04.2023.

Rule 2 → Definitions.

A. "Administrative Expenses of the Fund"

Administrative Expenses of the Fund means all expenses such as payment of salary to staffs involved in collection of Fund, printing of hand bills, receipts stationary, etc.

B. "Advocate"

"Advocate" means a person whose name has been duly entered in the roll of Advocates prepared and maintained by the Jharkhand State Bar Council under provisions of the Advocates Act, 1961 and who is practicing as an Advocate;

C. "Advocates Association"

"Advocates' Association" means Advocates' Association (Regd.), Jharkhand High Court, Ranchi which is an association of Advocates recognized by the Jharkhand State Bar Council;

D. " Bar Council"

"Bar Council" means the Jharkhand State Bar Council constituted under the provisions of Advocates Act, 1961;

E. Swanidhi Kalyan Yojna Committee

Swanidhi Kalyan Yojna Committee (hereinafter referred to as "the committee" only) shall consist of six members as per Rule 4 of this Rules.

F. "Cessation / Retirement / Suspension of Practice"

"**Cessation**" of practice" means removal of the name of an Advocate from the roll of Advocates maintained by the Jharkhand State Bar Council on account of his retirement or death or physical disability or on professional misconduct;

"**retirement**" means stoppage of practice as an Advocate for reasons other than joining service or for carrying on any other gainful occupation, communicated to and recorded by the Jharkhand State Bar Council;

"**Suspension of practice**" means voluntary suspension of practices as an Advocate or suspension as such by the Bar Council for any reason or misconduct;

G. "Court"

"**Court**" means the Jharkhand High Court at Ranchi;

H. "Dependent"

"Dependent" means wife, husband, father, mother and unmarried minor children (up to 21 years) of a member of the Fund.;

I. "Fund"

"Fund" means the "**Advocates' Association Swanidhi Kalyan Yojna Fund**" Collected by the Association from voluntary contribution by the Members of the Advocates' Association;

J. "Secretary of Swanidhi Kalyan Yojna"

The duly elected General Secretary of the Advocates' Association will function as Secretary of the Advocates' Association Swanidhi Welfare Fund.

K. "Member of the Fund"

"Member of the Fund" means an Advocate whose place of practice is the Jharkhand High Court as per the records of the Jharkhand State Bar Council and who is member of Advocates' Association.

L. "Prescribed Regulation"

"prescribed" means prescribed in the present rules. "regulation" means regulations made by the Committee under these Rules.

M. "Regular Practitioner"

Regular Practitioner means Member of the Advocates' Association who files minimum 12 Vakalatnamas in the previous calendar year (except designated Senior Advocates) in the High Court of Jharkhand either from the side of petitioner or respondent / opposite party. The Vakalatnama includes both individual or with other Advocate, who is a member of the fund.

N. "State"

State" means the State of Jharkhand as well as Union of India or any instrumentality of the State Government or the Union of India;

O. "Treasurer of Fund"

The duly elected Assistant Treasurer of the Advocates' Association will function as Treasurer of the Swanidhi Kalyan Yojna Fund and he or she shall be responsible for day to day collection and deposit of fund in the concerned Bank Account. In the event of the Assistant Treasurer is not ready or not in a position to discharge such duty, the committee shall have the power to nominate any other elected member of the Advocates' Association to discharge such function.

P. "Vakalatnama"

"Vakalatnama" means a power of attorney, memorandum of appearance or any other document by which an Advocate is

empowered to appear or plead before Jharkhand High Court on behalf of a party/litigant.

Rule 3 → Constitution and Maintenance of the Fund.

- (1) **Constitution and Maintenance of Fund.** -With effect from the date of its establishment the Committee (as provided under these rules,) the Fund i.e. “**Advocates’ Association Swanidhi Kalyan Yojna Fund**” shall be managed by the committee.
- (2) **The following collection shall be credited to the Fund :-**
 - (a) Voluntary donation of Rs. 200/- (Rupees Two Hundreds Only) per Vakalatnama filed by the Members of the Advocates’ Association before Hon’ble Jharkhand High Court;
 - (b) Any contribution made by State the Bar Council to the Fund;
 - (c) Any voluntary donation or contribution made to the Fund by the Bar Council of India, or any Bar Association, or any other authority or association or institution or by any Advocate or any other person;
 - (d) Grant, if any, made by the Central Government or the State Government or other authority;
- (3) The sums specified in Rule 3 (2)(a & b) shall be paid to, or collected by such agencies, at such intervals and in such manner, and the accounts of the Fund shall be maintained in proper manner or as may be directed from time to time by the Swanidhi Kalyan Yojna Committee.
- (4) The Fund shall vest in the committee and shall be administered by the Committee subject to the provisions and for the purposes of this Rule.

Rule 4 → Formation of Committees and its functions.

- (1) There shall be “Committee” consisting of six persons which shall exercise overall control over the fund and shall be empowered

to take all decisions regarding collection and disbursement of funds. The said committee shall be supreme for the purposes of taking all decisions about the fund.

- (2) The committee shall comprise of following persons:-
 - a. President of the Association (Ex- officio)
 - b. General Secretary of the Association (Ex- officio)
 - c. One Member from among the elected members of the Executive Committee , so nominated by the Association(Ex- officio)
 - d. One member of the Association having a practice and membership of the Association for more than 30 years.
 - e. One member of the Association having a practice and membership of the Association for more than 20 years but less than 30 years.
 - f. One member of the Association having a practice and membership of the Association for more than 10 years but less than 20 years.
- (3) The minutes of the meeting must be maintained in the register to be kept by the Secretary of the Committee.
- (4) (i)The members of category (d), (e), (f)shall be nominated/selected by the Executive Committee of the Association.
(ii) The tenure of such members shall be co-terminus with the tenure of the elected body of the Advocates' Association.
- (5) In case Ad-hoc committee is constituted by Jharkhand State Bar Council for the Advocates Association then three Members of the said Ad-hoc Committee shall replace the Ex- officio members.
- (6) In case of any vacancy in the "committee" the persons may be selected in the same manner through which the person, on whose account the vacancy arose, had been selected.
- (7) The Committee will be competent to change/ replace any functionary of the Jharkhand Advocates' Association Swanidhi Kalyan Yojna, if required, by a resolution.
- (8) The Committee shall review the distribution of the funds, the issue of enhancement or reduction of the amount to be paid and/or any other issue, after every two years.

Rule 5 → Utilization of Fund

After collection of voluntary donation by the Members of the Association, the committee made under these Rules shall do following welfare schemes for Members eligible for the benefits from the Fund and help them financially as well as their family members in case of any eventuality in following manner:-

S. No.	Category	Fund Limit
1.	In case of minor Medical emergency	UptoRs. 25,000/- after submission of proper papers and after decision by the committee w.e.f. 01.04.2023.
2.	In case of Medium Medical Emergency	UptoRs. 50,000/- after submission of proper papers and on decision by the committee w.e.f. 01.04.2023.
3.	In case of Terminal Medical Emergency	As per actual expenses subject to submission of proper papers if not covered by our insurance plans and decided by the committee w.e.f. 01.04.2023.
4.	Death	Rs. 5,00,000/- to the family of the deceased member, in the event of the deceased having a membership of the Association for a period less than seven years, on the date of the death of the member. Rs. 7,50,000/- to the family of the deceased member, in the event of the deceased having a membership of the Association for a period of more than seven years, on the date of the death of the member.
5.	Group Medical Insurance for family	In between Rs. 2,00,000/- to 5,00,000/- subject to approval by the Insurance Company which is in process. The amount of premium of the group insurance will be paid from this fund.

6.	Administrative Expenses of the Fund	All administrative expenses of the Fund will be meet by this fund and apart from administrative expenses no other expenses of Advocates' Association will be borne by this fund.
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- ❖ **Note:- (1)** For Rule-5 (1), (2), (3) & (5), the beneficiary has to submit utilization certificate with regard to 1st financial help if welfare scheme under these heads have been requested for second time.
- ❖ **Note (2)** Minor Medical Emergency, Medium Medical Emergency or Terminal Medical Emergency decided by the Committee.
- ❖ **Note (3)** One spouse of a member would also be entitled to the benefit of this scheme, however the same would be confined in the cases of ailment. The entitlement of the spouse would only be to the extent of 50% of the entitlement of the member.
- ❖ **Note (4)** In the case of extension of the benefit of this scheme to the spouse the same would be available only once is life time. However, the committee shall have the power to consider the case of grant of such benefit for the second time, depending upon the facts and circumstance of each individual case.

Rule 6 → Powers & Duties of General Secretary of Swanidhi Kalyan Yojna.

The General Secretary of the Advocates' Association will also function as Secretary of the fund and shall,-

- (a) He will be functioning as per decision of the committee for carrying out decision of the committee;
- (b) He will represent the Committee in all suits and proceedings for and against the Committee;
- (c) He will authenticate by his signatures all decisions and instructions of the committee;
- (d) He will operate the bank accounts of the Committee jointly with President of the Advocates' Association.

- (e) He will convene meetings of the committee on the advice of the President and record its minutes;
- (f) He will make payments to the members/ ex members of the amount as per the decision of the committee.
- (g) He will maintain such forms, registers and other records as may be prescribed from time to time and do all correspondence relating to the Committee;
- (h) He will prepare an annual statement of business transacted by the Committee during each financial year;
- (i) He shall ensure audit of the funds of the fund by an independent practising chartered accountant, at least, once, in two years; and
- (j) He will do such other acts as may be directed by the Committee.

Rule 7 → Collection, Deposit and Monitoring of Funds.

- (1) The account of the fund will be maintained through a separate bank account to be opened by the Committee for this purpose and Annual audit will be done through registered Chartered Accountant. The Committee constituted under these Rules will also publish accounts of each month in the notice board of the Advocates' Association.
- (2) The Assistant Treasurer of the Association, under the supervision of the Secretary Administration or Secretary Library (who so ever is senior among them as per enrolment and practice), shall be responsible for monitoring of the daily collection and its corresponding deposit in the bank.

Rule 8 → Staff for regulating the Fund.

The Committee made under these Rules may appoint two persons, well versed with computer knowledge and Accounting, to maintain the present fund with an Assisting Staff latest by 12.11.2022.

Rule- 9→Restricted entitlement for the benefits of this Yojna

- (1) (a) The members who have joined profession and became member of the Advocates' Association after having served government/ government undertaking, either on retirement or voluntary retirement or compulsory retirement or removal or dismissal, shall be treated as fresh entrants.
 (b) Such Member shall be entitle for any benefit of fund only after completion of 5 years as such member.
 (c) Such members shall have to submit an affidavit to the effect that he/ she is not availing to similar benefits from his previous or ex- employer. In the event of his entitlement from the previous employer, the amount payable under this scheme may vary, on the discretion of the Committee.
- (2) Member, who has not deposited his membership contribution of the Advocates' Association for a period in excess of five years, on the date of ailment or death, shall not be entitled to avail the benefit under this yojna.

Rule 10→ Application

- (1) A member desirous of availing the benefit of the Swanidhi Kalyan Yojna shall have to make an application in the name of the General Secretary of the Swanidhi Kalyan Yojna, within a period of ninety days from the ailment/ death.
- (2) That in the event of the member, suffering from the ailment, not being in a position to make an application, the committee shall have the power the ensure payment, on having come to know of the same and after due verification of such information.
- (3) In the event of death application may be filed on behalf of the deceased Member, by any of his family members or any member of this Swanidhi Kalyan Yojna
- (4) The Committee, shall have the power to relax the period of ninety days allowed for making application, in the event of it being satisfied that the delay has occurred inadvertently and due to reasons beyond the control of the applicant.

Rule 11→Meeting of the Committee.

- (1) The Committee made under these Rules shall meet once in a month and as many times if so required during emergency situations on the request of at least two Members of the Committee. Applications received from the members/ ex-members for grant of benefit under the Swanidhi Kalyan Yojna shall be placed before the committee within three working days of the Hon'ble Court.
- (2) All decisions about payment shall be decided by a resolution in the meeting of the committee.
- (3) The committee shall make all payments mainly by account payee cheque.

Rule 12→Manner of holding Meeting.

The General Secretary of the Swanidhi Kalyan Yojna will give 48 hours notice to all Committee Members before convening a meeting of the Committee in normal circumstances. In extra ordinary emergent situation, he may call for meeting of the Committee on 6 hours notice also. The decisions of the Committee will be taken on majority view and **quorum** of the Committee is minimum 4 members present and voting.

Rule 13→Extra ordinary Power of the Committee.

Already as per provision contained in Rule 11 of the present Rules.

Rule 14→Power to amend or make further Regulations by Committee.

The Committee has powers to amend or further regulate the welfare activities of the fund subject to approval of the General Body of the Advocates' Association.